IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.800 OF 2005

O.P.Agarwal and Ors. ..Petitioners

Vs.

Life Insurance Corporation
of India & Ors. ..Respondents

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Mr. K.P.Shreeji i/b Shreeji and Lal for Petitioners
M.S.Dehhi i/b M.V.Kini for Respondent no.1
Mr.Rajesh More A.P.P. for State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 12,2005

P.C.

1. Heard the learned advocate for the Petitioners and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of proceedings relating to C. C. No. 377/S/2002 which is pending before the Metropolitan Magistrate, 23rd Court at Esplanade, Mumbai. In

the said case, process has been issued against the applicants under Section 138 r.w. 141 of Negotiable Instruments Act. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. If the process issued against the petitioners is set aside, the proceedings in respect of the petitioners, would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary

revision will be preferred within three weeks from today. In view of the statement, the trial Court shall not proceed with the trial for a period of three weeks. The learned advocate for the respondent-complainant fairly states that no objection will be raised in respect of filing revision.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]